

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DUNKIN' DONUTS INCORPORATED and
BASKIN-ROBBINS USA, CO.,

Plaintiffs,

05 CV 3200 (SJ) (JMA)

- against -

ORDER

PETER ROMANOFSKY, INC.,

Defendant.
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A P P E A R A N C E S:

O'ROURKE & DEGEN

225 Broadway, Suite 715

New York, NY 10007

By: Ronald D. Degen, Esq.

Attorney for Plaintiff

JOHNSON, Senior District Judge:

Before the Court is a Report and Recommendation (the "Report"), prepared by Magistrate Judge Joan M. Azrack¹ in response to an order of this Court dated February 16, 2006. Judge Azrack filed the Report on August 8, 2006, and provided the parties until August 22, 2006, to file any objections. No objections have been filed.

A district court judge may designate a magistrate judge to hear and determine certain motions pending before the Court and to submit to the Court proposed findings

¹The Court thanks Judge Azrack for her efforts in this regard and for the thorough and thoughtful Report she prepared.

of fact and a recommendation as to the disposition of the motion. See 28 U.S.C. § 636(b)(1). Within 10 days of service of the recommendation, any party may file written objections to the magistrate's report. Id. Upon *de novo* review of those portions of the record to which objections were made, the district court judge may affirm or reject the recommendations. Id. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. See Thomas v. Arn, 474 U.S. 140, 150 (1985).

As mentioned, no objections were filed within the allotted time period. Upon review, the Court adopts and affirms the Report in its entirety.

The Clerk of the Court is hereby directed to enter JUDGMENT in favor of Plaintiff. Plaintiff is entitled to an award in the amount of \$33,688.83 in actual damages, \$10,070.00 in attorney's fees, and \$861.75 in costs, for a total award of \$44,620.58.

Plaintiff's request for a permanent injunction is hereby DENIED.

The Clerk of the Court is directed to close this case.

SO ORDERED.

Dated: September 25, 2006
Brooklyn, NY

_____/s/_____
Senior U.S.D.J.

cc: Peter Romanofsky, Inc.
53 Howard Street
P.O. Box 3140
Newark, NJ 07103-0314